

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUSTEES OF THE NATIONAL ELEVATOR
INDUSTRY PENSION, HEALTH BENEFIT
AND EDUCATIONAL FUNDS,

Plaintiffs,

v.

REGENCY ELEVATOR PRODUCT CORP.

Defendant.

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: CIVIL ACTION NO. 02-3618
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MOTION TO VACATE ORDER OF DISMISSAL

The parties have settled this action through a Settlement Agreement and Consent Judgment (copy attached). The Plaintiffs notified the Court of this case activity on July 10, 2002. The Court inadvertently entered an Order to Dismiss the action on July 12, 2002. The Plaintiffs request that the Order to Dismiss entered by the Court on July 12, 2002 be vacated, as the action should be closed, not Dismissed.

In addition, the Court should enter the Consent Judgment.

Respectfully submitted,

DATE: July 16, 2002

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By: _____

David D. Capuano
Attorney I.D. No. 70238

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Vacate the Order of Dismissal has been served by certified mail, as required by 502(h) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1132(h) this 16th day of July, 2002 on the following:

Regency Elevator Product Corp.
870 Mt. Prospect Avenue
Newark, NJ 07104

David D. Capuano

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ORDER

In consideration of Plaintiffs' Motion to Vacate the Order to Dismiss, and good cause having been shown, it is this ____ day of _____, 2002;

ORDERED that the Motion is granted and the Order to Dismiss is vacated.

SO ORDERED.

Ronald L. Buckwalter, J.